

CHAPTER 6

The *Res Publica* "Senatus Populusque Romanus"

To understand the history of republican, and then imperial, Rome, you must first understand the structure of the government: the parts of government, their powers, and their relations to each other. The description given here covers government offices that developed gradually over centuries, and did not exist in this form as early as the sixth century B.C. What is described here is the government of the Roman republic in its fully developed form, in the first and second centuries B.C.

The Romans called their city a *res publica*, "property of the people" (Cicero, *De republica* I.25). Despite the term *res publica* (which gives us the English word *republic*), Rome was not a democracy. The government had three parts: the magistrates (government officials), the Senate, and the people (hence the phrase "senatus populusque Romanus," or "SPQR," meaning "the senate and the people of Rome"). Rome was governed mostly by the Senate and the magistrates, who were drawn largely from the Senate; Roman government thus was largely aristocratic. The Senate and its magistrates for most of Rome's history were dominated by the patricians, the ruling families of Rome, who could trace their ancestry back to the original senators chosen by Romulus. The common people's role in the government was the election of the magistrates.

THE MAGISTRATES

The Consuls

Being a *consul* was the dream of ambitious Romans, for the two consuls chosen every year were the chief magistrates of Rome and

commanders-in-chief of the armies; the position conferred great glory (through military exploits) and even nobility upon the consul and his family forever. The two consuls assumed the king's position and authority: The broad purple stripe on their togas denoted their quasi-royal status. The Romans no doubt created the two consuls out of their fear and hatred of monarchy, for if one consul became too ambitious, the other consul could oppose him (in fact, all Roman magistrates except for the dictator had at least one colleague, to prevent abuses of power). The twelve lictors, each carrying a *fascis* while walking before the consuls, showed the consuls' *imperium*. The consuls could lead an army and administer justice, and they sat in a *sella curulis*, an ivory chair, also a symbol of *imperium*.

While leading an army, the consuls (who wore scarlet military cloaks called *paludamenta*) had the power to punish soldiers—including executing them—without a trial. They could propose laws and issue edicts. They could convene the Senate and popular assemblies. The consuls received foreign embassies and conducted state business. They negotiated treaties and surrenders, subject to ratification by the people. The consuls were further honored by having the year named after them; the Romans dated their years by the two consuls of the year. Thus, we read at the beginning of the fifth book of Caesar's *Gallie Wars*, "L. Domitio Ap. Claudio consulibus"—that is, "during the consulship of Lucius Domitius and Appius Claudius," which was 54 B.C.

The consuls were limited in their power by the term of office (one year), and by the veto both of the other consul at the time and of the tribunes (see below). The consuls depended upon the Senate for advice, for there were many ex-consuls in the Senate, and consuls who ignored the Senate found their administration hampered by its interference. Consuls were immune to prosecution while in office, and upon leaving office had to swear that they had done the state no harm. The minimum age for a consul was forty-two.

The Dictator

The *dictator* was appointed only during times of national crisis, when an enemy threatened Rome or its allies and the situation

demanded prompt, unanimous, and decisive leadership of the Romans, or when the consuls were disabled or otherwise unable to perform their duties. The dictator's power was not subject to appeal or veto until after 300 B.C., when a citizen gained the right to appeal a dictator's capital sentence. The supreme power held by the dictator was symbolized by his having twenty-four lictors (in contrast to the twelve lictors of each consul). The only check on his power was the duration of his rule—six months at the most. It was customary for the dictator to step down at the end of the crisis, before the six months had elapsed. The Senate recommended that a dictator be appointed, but the consuls actually nominated him; a law passed by the Comitia Centuriata installed the dictator in office. Because of the dictator's nearly unlimited power, the Romans did not entrust the dictatorship to any but the most highly respected among them. The dictator had an assistant, called the master of the horse (*magister equitum*), who commanded the cavalry; his *imperium* was shown by his twelve lictors.

The Censors

The two *censors* had no *imperium*, but their position was nonetheless a powerful one. They were in charge of the census, which was conducted every five years. The census involved not only counting the number of citizens but also assessing each man's wealth. The censors assigned each man to one of the classes and decided whether or not a senator had the amount of wealth necessary for that post. The censors also performed the *lustrum* at the end of the census.

Another duty of the censors was revision of the Senate lists. A senator who had lapsed in his morals could be struck from the list by the censors; for example, Cato, as censor in 184 B.C., is said to have expelled one senator from the Senate because he had embraced his wife by daylight in the presence of their daughter. The censors supervised public morals and occasionally passed sumptuary laws (laws designed to curb the love of luxury). One such law, the Lex Orchia, limited the number of guests one could have at a party; another, passed by Julius Caesar, prevented Romans from eating foods deemed too decadent. The censors also

awarded government contracts for, say, collecting taxes in the provinces or building bridges and roads. For example, Appius Claudius Caecus, censor in 312 B.C., has been honored for thousands of years now with the fame of the road he built, the Via Appia (Appian Way), ancient Rome's main road to southern Italy. He also built Rome's first aqueduct, the Aqua Appia. The censors' term lasted eighteen months.

The Praetor

The *praetor* was mostly in charge of the courts (in fact, the body of Roman law consists mostly of praetorian edicts), but often commanded small armies. His *imperium* was less than that of the consuls; the praetors were seen as junior colleagues of the consuls. The praetor's *imperium* was symbolized by his six lictors. The praetor, like the consul, was allowed to sit in a *sella curulis*. Being elected praetor by the Comitia Centuriata often made one a senator. The number of praetors varied; most of the time there were eight. There were two types of praetors: the *praetor urbanus*, who was responsible for the administration of justice in Rome, and the *praetor peregrinus*, who dealt with lawsuits in which one or both of the parties were foreigners. Praetors could convene and lead the Senate when the consuls were unable or out of Rome. The minimum age for the praetorship was thirty-nine.

The Quaestor

The *quaestor* (seeker) was a "go-fer" in Roman government. Quaestors were in charge of the treasury (*aerarium*, "room for bronze," which was also part of the Temple of Saturn) and public records, which were also stored in the *aerarium*. Quaestors also had a military function: A quaestor would be assigned to a consul or praetor during a war, and had the duty of paying the troops and procuring supplies for the general. During the battle itself, the quaestor might command a wing of the cavalry. After 80 B.C. being elected to a quaestorship made one a senator. During Caesar's time there were twenty quaestors; the minimum age for a quaestor was thirty.

The Aediles

Aediles, originally subordinates to the tribunes (see below), were in charge of the infrastructure of Rome. They were responsible for maintenance of the roads, bridges, and buildings; supervision of weights and measures in the market, with power to fine merchants who had broken the law; and oversight of traffic regulations. One of their most important duties was *cura annonae* (ensuring that the city had an adequate supply of grain).

The aediles were also expected to supply games and amusements for the people. Although the government did allot some money for hosting the games, politically ambitious aediles would supplement that amount out of their own pockets, for the aedileship was an opportunity to advertise oneself for future political offices. For example, while serving as aedile in 67 B.C., Julius Caesar incurred great debts by giving lavish games (with 320 pairs of gladiators), theatrical performances, and public banquets. He thus kept his name on people's lips and in their minds until he ran for the praetorship a few years later. He more than recovered the cost of his aedileship with loot won during his praetorship in Spain in 62 B.C., when he conquered many towns and tribes.

The Tribunes

The ten *tribuni plebis*, "tribunes of the people," technically were not magistrates. Their function was to protect the common people from the abuses of power of the magistrates and the Senate, both of which were usually patrician; by law, the tribunes had to be plebeian—that is, of the common people. The tribunes had great power: They could stop anything the government was doing simply by vetoing its actions (this was called *intercessio*). The tribunes were supposed to be sacrosanct: They were not to be harmed by anybody, even by holders of *imperium*. The tribunes were elected annually by the Concilium Plebis (the assembly of the common people, or Popular Assembly). After 149 B.C. tribunes were automatically enrolled in the Senate.

THE SENATE

Since the magistrates changed every year, the Senate was the stable political body in Rome and represented the community's collected political wisdom. It met in the *curia*, or Senate House. Made up of former consuls, censors, praetors, tribunes, aediles, and even quaestors, the Senate had experience in all matters relating to the state—military, legal, political, foreign, domestic, and religious—and advised the various magistrates, who were expected to carry out the Senate's recommendations. Magistrates who ignored the Senate's advice found that the Senate had its ways of getting revenge. Technically, the Senate had no power: It could not pass laws, it could only advise and recommend. Its decisions were called *consulta* or *decreta*. The Senate's prestige (*auctoritas*), however, invested it with great influence. For a while the Senate could veto laws made by the popular assemblies (the *Comitia Centuriata* and *Concilium Plebis*), but eventually that power lapsed. The Senate also determined Rome's expenditures and revenues, the rate of tribute of allies, and taxes of subject communities. Disputes between Italian communities, different provinces, and client states came before the Senate for arbitration.

Senators were not elected and had no constituents; once in the Senate, they remained senators for life, unless they made enemies of the censors or failed to maintain the requisite property. Depending upon the time period, one became a senator after becoming a praetor; after being recommended by the consul or a dictator; or after becoming a quaestor. Senators were not paid for their services, and most did not need the money. They came from the landed class of Rome and also had to fulfill a substantial property requirement to become senators. Senators by law were barred from engaging in business and owning large ships, so as to avoid any conflicts of interest. If a senator became consul and was awarded a military command, he could make money from the loot gained from the people he had conquered. Once Rome gained its great empire and needed governors of the various provinces, ex-consuls and ex-praetors could make a lot of money as governors.

Meetings of the Senate were chaired by each consul in alternate months. The consul conducting the meeting would announce the agenda and lead the discussion, calling upon senators to give their opinions. During the discussions of business, there was a definite hierarchy among the participants. First, the consuls, *princeps senatus* ("chief of the Senate," the senior senator), and ex-consuls would be asked to give their opinions; then the praetors would speak; and so on through the ranks. Once called upon to give his opinion, a senator could speak for as long as he wished; Cato the Younger (95–46 B.C.) frustrated a few meetings of the Senate with filibusters.

Depending upon the time, there were three hundred senators, or six hundred, or—for a time when Julius Caesar was dictator—nine hundred (his successor Augustus reduced the number to six hundred). Senators enjoyed reserved seats at religious ceremonies and public entertainments. They wore special shoes and the *latus clavus*, a wide purple stripe, on their togas.

THE CURSUS HONORUM

The well-born Roman boy who wanted to earn great *gloria* would start on what the Romans called the *cursus honorum*, the "course of honors," or the ladder of offices leading to the top, the consulship. He would start out as a quaestor; then usually, but not always, become an aedile. As aedile, he would give fabulous games and parties, to win the gratitude—and the votes—of the people for his next office, the praetorship. By law, he would have to wait three years between the praetorship and the consulship. After serving as consul, he might become a censor.

THE ASSEMBLIES OF THE PEOPLE

The Roman people met in a several *comitia* (assemblies). Although there were three types of *comitia* (*centuriata*, *tributa*, and *curiata*), we will discuss only the most important, the *Comitia Centuriata*.

The *Comitia Centuriata* was a timocratic assembly (one in which the richer voted before the poorer) of Roman men of military age.

(See the description of the classes in chapter 4.) It elected the magistrates, approved laws recommended by the Senate, declared war, and heard appeals of citizens condemned for capital crimes. It met on the Field of Mars outside the city, since armies were not allowed past the *pomerium* into the city.

The *Concilium Plebis*, or Popular Assembly, was an assembly of the common people that elected the tribunes. Eventually this assembly could pass laws, at first with the approval of the Senate, and later without Senate approval. A law passed by the Popular Assembly was called a *plebiscitum* (English *plebiscite*, "a vote by the people").

THE PRIESTS

Rome had a state religion. Under the monarchy the king was in charge of religion; during the early republic religious duties were overseen by the *rex sacrorum* (king for the sacred rites). Eventually this official was superseded by the college of priests, the *pontifices*. Chief among them was the *pontifex maximus*, who lived in a state-owned house called the *Regia*. The *pontifices* were advisory to the consuls and Senate; they had no formal power, but the magistrates were expected to heed their advice. The *pontifices* had power over the Vestal Virgins, the augurs, the *haruspices* (who examined the vital organs of animals to foretell the future), and the *flamines*, who were priests serving one god in particular.